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C O N F I D E N T I A L YEREVAN 000241

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TAGS: PGOV PREL PHUM KDEM AM

SUBJECT: NEW LAW ON DEMONSTRATIONS GIVES GOVERNMENT BROAD
DISCRETION TO DENY PUBLIC ASSEMBLY

Classified By: CDA Joseph Pennington for reasons 1.4b and d.

¶1. (U) Armenia's National Assembly on March 17 passed a new Law on Rallies and Marches, in a hurry-up procedure that compressed into one day a legislative process that normally unfolds over several weeks. The new law allows municipalities to refuse to permit demonstrations "in the event there is reliable information that they are aimed at bringing down the constitutional order, inspire national, racial, or religious hatred, contain urges of violence or war or may lead to disturbance of state security, public order, public health, constitutional rights of other people and violation of their freedoms." According to the amendments, "information may be considered reliable if the Police or National Security Service has presented an official explanation."

¶2. (C) The revision also grants authorities the right to deny permission for public rallies in the wake of any event that resulted in violence until the investigations into that violence are complete. In effect, that would seem to give authorities the right to impose a blanket ban that could easily last a year or more.

¶3. (C) The session gave new meaning to legislative efficiency. The bill passed both first and second readings with little opposition. The bill also contained language for its provisions to go into effect immediately upon President Kocharian's signing, which was accomplished March 18. (NOTE: Normally a waiting period between the President's signing and the new law's entering into effect would be required, but with this added provision, the law will be in effect when the State of Emergency expires March 20. END NOTE) MPs were given a copy of the bill only two hours before the session began at 6:30pm. According to opposition MP Stepan Safarian of the Heritage Party, MPs were never told who had authored the bill, except that the Speaker claimed it had come from "all parties present" besides Heritage. MP Safarian then asked the Speaker why MPs from supposedly supporting parties were asking questions of the bill's sponsor during the debate, a question that was left unanswered. (NOTE: Safarian is convinced--plausibly enough--that the legislation came from the Presidency. END NOTE.)

¶4. (C) An early test of authorities' post-State of Emergency intentions and tactics will come March 21. Anonymous pro-opposition organizers have circulated plans via email (see septel on "samizdat" style information network) calling on supporters to form a human chain of silent protest from 17:00-19:00 March 21. The route is to extend from Freedom Square, where opposition rallies took place from February 20-29, through the center of the city, to the French Embassy, the site of the police crackdown on protesters on the night of March 1-2. In an apparent bid to avoid running afoul of

demonstration restrictions, the e-mail tells participants not to stand closer than one meter from each other, to wear black clothes or armbands, and to stand silently holding a picture of a victim of the GOAM's repression since March 1. The e-mail further instructs participants not to block traffic, cluster together and or be drawn into confrontations with police, but to disperse quietly if challenged and return later.

¶5. (C) COMMENT: Armenia's previous law on public assembly had been rather liberal. This revision gives authorities much more sweeping discretion to refuse permission for public demonstrations for a variety of reasons, and a simple assertion of valid grounds by law enforcement agencies is sufficient. The provision about waiting for investigations to be completed suggests that authorities may be maneuvering to effectively ban public demonstrations for a considerable time, in effect embedding into regular law one of the key provisions of the State of Emergency (SOE). This looks like part of an emerging GOAM strategy formally to lift the SOE -- hoping thereby to ease international pressure -- while preserving several key restrictions indefinitely. END

COMMENT.
PENNINGTON